



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,847	12/15/2005	Gianni Sichera	3769-2183	2112

28147 7590 03/04/2008
WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT, CT 06605

EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,847

Applicant(s)

SICHERA ET AL.

Examiner

Louis K. Huynh

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is respectfully requested to amend the specification to include the related applications and/or priority claiming statement below the title of the specification.

Claim Objections

2. Claim 1 is objected to because of the following informalities:
 - “Feeding a tray” on line 8 should be changed to: --feeding a tray--; and
 - “Feeding a disc” on line 12 should be changed to: --feeding a disc--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 1, line 17: “said blank” lacks proper antecedent basis.
 - Claim 5, line 21: “said blank” lacks proper antecedent basis.
 - Claim 9, line 6: “the selected modes” lacks proper antecedent basis.
 - Claim 9, lines 6 -7: “the subsequent folding of the package” lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pan et al. (US 5,163,271).

- With respect to claim 1, 4, 5 & 8, Pan discloses a method for packaging disc-shaped digital record carriers in folding packages that meets all of applicant's claimed subject matter; in particular, the method of Pan comprises the steps of: simultaneously feeding a pair of trays (20) along a first path; simultaneously feeding a pair of discs (26) along a second path; aligning the pair of discs (26) with the pair of trays (25), simultaneously introducing each of the pair of discs (26) in a housing (30) formed in each of the pair of trays (26); simultaneously feeding a pair of blanks (42) along a third path; applying glue to a portion in each of the blanks (42) (claim 4, step g); simultaneously placing the pair of trays (20) with the discs (26) mounted thereon into alignment with the glued portions of the blanks; simultaneously assembling the pair of trays (20) with the discs (26) mounted thereon to the pair of blanks (42) at the glued portion of the blanks to simultaneously form a pair of unfold packages (claim 4, step h); and conveying the pair of unfold packages to a folding station (68).

- With respect to claim 9, the pair of trays (20) are maintained spaced apart sidewise during the steps of assembling in order to be in alignment in the folding station (68).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 6 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al. (US 5,163,271) in view of AAPA (Applicant's Admitted Prior Art).

The method of Pan including applying glue after the disc (26) is introduced in the tray (20) and before the tray (20) with the disc (26) mounted thereon is assembled to the blank (42) meets all of applicant's claimed subject matter but lacks the specific teaching of the glue being applied to a second surface of the tray either before or after the disc is introduced in the tray and before the tray with the disc is assembled to blank. AAPA teaches at page 2, lines 3-6 that it is known to applied glue to the tray before the tray is assembled to the blank, and AAPA also teaches at page 8, lines 19-25, that it is all the same whether the glue is applied before or after the tray is filled with the disc. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the method of Pan by having applied the glue to the tray instead of to the sleeve, as admitted by AAPA, either before or after the discs (26) are introduced in the tray (20) since it does not produce any unexpected results.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 along with the applied references.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 22, 2008

/Louis K. Huynh/
Primary Examiner
Art Unit 3721